

(A) is not the operator of the bus; and

(B) has attended a commission-approved seller training program.

(b) Application and payment of the fee shall be made directly to the commission.

Sec. 48A.04. **EXEMPTION FROM TAXES.** The preparation and service of alcoholic beverages by the holder of a passenger bus beverage permit is exempt from a tax imposed by this code and from the tax imposed by Chapter 151, Tax Code.

Sec. 48A.05. **SALE OF LIQUOR TO PERMITTEE.** Only a holder of a wholesale permit may sell liquor to a holder of a passenger bus beverage permit. A sale of liquor to a holder of a passenger bus beverage permit shall be considered as a sale at retail to a consumer.

Sec. 48A.06. **INAPPLICABLE PROVISION.** Section 109.53 does not apply to a passenger bus beverage permit.

SECTION 3. Section 101.46(b), Alcoholic Beverage Code, is amended to read as follows:

(b) Subsection (a) of this section does not apply to permittees or licensees while engaged in supplying airline beverage, ~~or~~ mixed beverage, or passenger bus beverage permittees, nor to the possession or sale of liquor by an airline beverage, ~~or~~ mixed beverage, or passenger bus beverage permittee, but none of the permittees or licensees covered by this subsection may possess liquor in a container with a capacity of less than one fluid ounce.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

Passed by the House on April 27, 2017: Yeas 143, Nays 1, 3 present, not voting; the House concurred in Senate amendments to H.B. No. 3101 on May 19, 2017: Yeas 142, Nays 0, 1 present, not voting; passed by the Senate, with amendments, on May 17, 2017: Yeas 28, Nays 2.

Approved May 29, 2017.

Effective May 29, 2017.

## REGULATION AND INSPECTION OF BOILERS

### CHAPTER 284

H.B. No. 3257

#### AN ACT

relating to the regulation and inspection of boilers.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 755.001(17), Health and Safety Code, is amended to read as follows:

(17) "Portable ~~power~~ boiler" means a boiler primarily intended for use at a temporary location.

SECTION 2. Section 755.022(a), Health and Safety Code, is amended to read as follows:

(a) This chapter does not apply to:

- (1) boilers owned or operated by the federal government;
- (2) pressure vessels or process steam generators, other than steam collection or liberation drums of process steam generators;

(3) manually fired miniature boilers that:

(A) are constructed or maintained for locomotives, boats, tractors, or stationary engines only as a hobby for exhibition, recreation, education, or historical purposes and not for commercial use;

(B) have an inside diameter of 12 inches or less or a grate area of two square feet or less; and

(C) are equipped with a safety valve of adequate size, a water level indicator, and a pressure gauge;

(4) boilers that are designed for operation only at atmospheric pressure and that are equipped with two independent means to prevent the buildup of pressure; ~~or~~

(5) steam cookers; or

(6) espresso machines.

SECTION 3. Section 755.025(e), Health and Safety Code, is amended to read as follows:

(e) *The commission by rule shall establish the subsequent intervals and manner of inspection for a [A] portable [power] boiler [must be inspected externally each time the boiler is moved to a new location and must receive an internal inspection at least annually].*

SECTION 4. Chapter 755, Health and Safety Code, is amended by adding Subchapter E to read as follows:

#### **SUBCHAPTER E. REGULATION OF BOILERS AND FUEL GAS SYSTEMS**

*Sec. 755.071. RESTRICTION ON REGULATION. Notwithstanding any other law, a state agency or political subdivision may not restrict the use or installation of a specific fuel gas pipe product that is approved for use and installation by the International Fuel Gas Code.*

*Sec. 755.072. CONFLICT OF LAW. To the extent of a conflict between this subchapter and another law, this subchapter controls.*

SECTION 5. As soon as practicable after the effective date of this Act, the Texas Commission of Licensing and Regulation shall adopt the rules necessary to implement the changes in law made by this Act.

SECTION 6. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

Passed by the House on April 20, 2017: Yeas 144, Nays 0, 2 present, not voting; the House concurred in Senate amendments to H.B. No. 3257 on May 22, 2017: Yeas 140, Nays 0, 2 present, not voting; passed by the Senate, with amendments, on May 18, 2017: Yeas 29, Nays 1.

Approved May 29, 2017.

Effective May 29, 2017.

## **REGULATION OF ELECTRICIANS BY LOCAL GOVERNMENTS**

### **CHAPTER 285**

H.B. No. 3329

#### **AN ACT**

**relating to regulation of electricians by local governments.**